

## **Town Board Minutes**

February 1, 2010

Meeting No. 5

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 1st day of February 2010 at 8:00 P.M. and there were

**PRESENT:** JOHN ABRAHAM , COUNCIL MEMBER  
MARK AQUINO, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
JOHN DUDZIAK, TOWN ATTORNEY  
LEONARD CAMPISANO, ASSIST. CODE ENFORCEMENT OFFICER  
GARY STOLDT, CHIEF OF POLICE  
TERRENCE McCracken, GENERAL CREW CHIEF  
DANIEL AMATURA, HIGHWAY SUPERINTENDENT  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

### **PERSONS ADDRESSING TOWN BOARD:**

**Beutler, Daniel**, spoke to the Town Board on the following matters:

- Bond resolution for Public Safety Building at 3949 Walden Avenue.
- Reconstruction of Public Safety Building at 3949 Walden Avenue.

**Chowaniec, Lee**, spoke to the Town Board on the following matters:

- Possible rezone of 81 & 3 at Transit Road north of William Street.
- Bond resolution for Public Safety Building at 3949 Walden Avenue.

**Fronczak, Mike**, spoke to the Town Board on the following matters:

- Bond resolution for Public Safety Building at 3949 Walden Avenue.
- Possible rezone of 81 & 3 at Transit Road north of William Street.
- Revaluation update of Town Assessment Rolls.

**Gull, Henry**, spoke to the Town Board on the following matter:

- Bond resolution for Public Safety Building at 3949 Walden Avenue.

**Howell, Gary**, spoke to the Town Board on the following matter:

- Bond resolution for Public Safety Building at 3949 Walden Avenue.

**Symer, Donald**, spoke to the Town Board on the following matters:

- Reconstruction of Public Safety Building at 3949 Walden Avenue.
- Stop DWI Program.

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon an amendment to the Vehicle & Traffic Ordinance regarding Speed Regulations on Erie Street.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

<b>NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Proponent/ Opponent/ Comments/Questions</b>
None	

ON MOTION BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER STEMPIAK AND CARRIED, the public hearing was closed at 8:31 P.M.

The Town Board, later in the meeting, adopted a resolution, hereafter spread at length in these minutes, taking favorable action upon this matter.

February 1, 2010

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:31 P.M., the Town Board held a Public Hearing to hear all interested persons upon an amendment to the Vehicle & Traffic Ordinance regarding Stop Intersections in Roseland Subdivision Phase II.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Questions
None	

ON MOTION BY COUNCIL MEMBER STEMPIAK, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the public hearing was closed at 8:32 P.M.

The Town Board, later in the meeting, adopted a resolution, hereafter spread at length in these minutes, taking favorable action upon this matter.

February 1, 2010

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED**, that the minutes of the Joint Meeting of the Town Board and the Planning Board held January 19, 2010 and the Regular Meeting of the Town Board held January 19, 2010 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 1, 2010

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**A BOND RESOLUTION, DATED FEBRUARY 1, 2010, OF THE TOWN BOARD OF THE TOWN OF LANCASTER, ERIE COUNTY, NEW YORK (THE "TOWN") AUTHORIZING THE RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS TO A TOWN BUILDING, AT AN ESTIMATED MAXIMUM COST OF \$8,000,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,000,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.**

BE IT RESOLVED, by the Town Board of the Town of Lancaster, in the County of Erie, New York (the "Town") (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to undertake the reconstruction of and construction of improvements to a Town building, including all preliminary work and necessary equipment, materials and related site work and any preliminary costs and other improvements and costs incidental thereto (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$8,000,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an amount not to exceed \$8,000,000 of the Town, hereby authorized to be issued therefor pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received.

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 12(a)(2) of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 15 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. Unless paid from other sources, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized including, but not limited to, authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of such bonds, and the renewals of such notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) if the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication of this notice, or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 13. This resolution is subject to permissive referendum pursuant to Section 35.00 of the Local Finance Law. The Town Clerk is hereby authorized and directed to publish (one time) and post on the sign-board of the Town, this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten (10) days after the date of adoption of this resolution.

SECTION 14. If no petitions are filed in the referendum period, the Town Clerk is hereby authorized to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the Town, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the Town, which newspaper shall be designated by the Town Board in a separate resolution.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 1, 2010

**NOTICE OF ADOPTION OF BOND RESOLUTION  
SUBJECT TO PERMISSIVE REFERENDUM  
AUTHORIZING THE RECONSTRUCTION OF AND CONSTRUCTION OF  
IMPROVEMENTS TO A TOWN BUILDING**

Notice is hereby given that at its February 1, 2010 meeting the Town Board of the Town of Lancaster adopted a resolution authorizing the reconstruction of and construction of improvements to a Town building including all preliminary work and necessary equipment, materials and related site work and any preliminary costs and other improvements and costs incidental thereto, in an amount not to exceed \$8,000,000, said amount to be offset by any federal, state, county and/or local funds received. Such resolution is subject to permissive referendum pursuant to New York law.

BY ORDER OF THE TOWN BOARD OF  
TOWN OF LANCASTER, ERIE COUNTY,  
NEW YORK

By: Johanna M. Coleman  
Town Clerk  
February 1, 2010



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO, TO WIT:

**WHEREAS**, it is in the public interest for the Parks and Recreation Department of the Town of Lancaster to operate a playground facility on Main Street, Bowmansville, in the Town of Lancaster, on property owned by the Bowmansville Volunteer Fire Association, Inc., for the years 2010 and 2011, and

**WHEREAS**, the Town Attorney has prepared and filed with the Town Clerk, an Agreement setting forth the terms upon which said recreational area will be utilized by the Town of Lancaster;

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

- 1. That the Supervisor be and is hereby authorized and directed to execute an Agreement between the Town of Lancaster and the Bowmansville Volunteer Fire Association, Inc. for the Lease by said Association to the Town of Lancaster of its play area on its premises on Main Street, Bowmansville, within the Town of Lancaster, for the operation of the Town’s Recreation Program during its normal summer season for the years 2010 and 2011.
- 2. That the Town Attorney make distribution of the executed copies of said Agreement to the appropriate parties.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 1, 2010

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Town Board identified a need for a highway improvement project for Glendale Drive and Parkdale Drive in the Town of Lancaster in a resolution dated May 18, 2009, and

**WHEREAS**, the Erie County Sewer District No. 4 (ECSD # 4) has determined that it is in the best interest of the Town and the ECSD # 4 to replace the existing sanitary sewer as part of the highway construction process by a single prime contractor contracted by the Town, eliminating disruption of the new pavement at a later date, and

**WHEREAS**, an Intermunicipal Agreement was prepared by the Erie County Department of Environment and Planning and approved as to form by the Erie County Attorney defining this combined engineering and construction effort and the method of compensating the Town for the costs associated with addition of the ECSD # 4 sanitary sewer work, and

**WHEREAS**, the Town Attorney and Town Engineer have reviewed the proposed Intermunicipal Agreement and have found it to be acceptable, and

**WHEREAS**, the proposed Intermunicipal Agreement was approved by the Erie County Legislature on October 8, 2009.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into an Intermunicipal Agreement with the County of Erie for the joint road and sanitary sewer reconstruction project for Glendale Drive and Parkdale Drive.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 1, 2010

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, a vacancy exists in the Police Department of the Town of Lancaster for the position of Detective (temporary) due to the retirement of Detective (temporary) Leon Robak, and

**WHEREAS**, the Chief of Police of the Town of Lancaster, by letter dated January 25, 2010, has requested the promotion of Police Officer Grant Gunsher to the position of Detective (temporary) effective February 15, 2010.

**NOW, THEREFORE, BE IT**

\_\_\_\_\_ **RESOLVED**, that Grant Gunsher be and is hereby appointed to the position of Detective (temporary) in the Town of Lancaster Police Department effective February 15, 2010, with an annual salary of \$67,271.00 as per P.B.A. contract agreement.

**BE IT FURTHER,**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 1, 2010

**PREFILED RESOLUTION NO. 6 - MEETING OF 2/1/10**

Aquino/ \_\_\_\_\_ Amend Zoning Map Re: Petition Of 81 & 3 Of Florida 00 Transit Road  
North of William Street

At the request of the petitioner, this resolution was withdrawn.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS,** a Public Hearing was held on the 1st day of February, 2010 for the purpose of amending Chapter 46 - Vehicle and Traffic Ordinance of the Code of the Town of Lancaster and persons for and against such amendment have had an opportunity to be heard, and

**WHEREAS,** a Notice of said Public Hearing was duly published and posted:

**NOW, THEREFORE, BE IT  
RESOLVED,** as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the Town of Lancaster be amended in the form attached hereto and made a part hereof;
2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on February 1, 2010;
3. That a Certified Copy thereof be published in the Lancaster Bee on February 4, 2010;
4. That a Certified Copy of the amendment be posted on the Town Bulletin Board;
5. That Affidavits of Publication and Posting be filed with the Town Clerk;
6. That the Highway Superintendent take whatever action is necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 1, 2010

**LEGAL NOTICE  
NOTICE OF ADOPTION  
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE  
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

**NOTICE IS HEREBY GIVEN** that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

**CHAPTER 46**

**ARTICLE VIII - Stop Intersections; Non-Intersection Stops; Yield Intersections**

**46-8.1**                    **Stop Intersections designated, is hereby amended by adding thereto the following:**

**ROSELAND SUBDIVISION PHASE II**

<u><b>STREET NAME</b></u>	<u><b>INTERSECTING STREET</b></u>	<u><b>SIGN LOCATION</b></u>
<b>Rose Street</b>	<b>Rose Street</b>	<b>N.E. Corner of Circle</b>
<b>Rose Street</b>	<b>Rose Street</b>	<b>N.W. Corner of Circle</b>
<b>Rose Street</b>	<b>Rose Street</b>	<b>S.E. Corner of Circle</b>
<b>St. Anthony Street</b>	<b>Rose Street</b>	<b>N.W. Corner</b>
<b>St. Anthony Street</b>	<b>Rose Street</b>	<b>S.E. Corner</b>

**February 1, 2010**

**STATE OF NEW YORK    :**  
**COUNTY OF ERIE        :**        **ss:**  
**TOWN OF LANCASTER :**

**THIS IS TO CERTIFY** that **I, JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendment to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 1<sup>st</sup> day of February, 2010 and that the same is a true and correct copy of said original, and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Seal of said Town, this 1<sup>st</sup> day of February, 2010.

\_\_\_\_\_  
Johanna M. Coleman, Town Clerk  
February 1, 2010

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, a Public Hearing was held on the 1st day of February, 2010, for the purpose of amending Chapter 46-Vehicle and Traffic Ordinance of the Code of the Town of Lancaster, and persons for and against such amendment have had an opportunity to be heard, and

**WHEREAS**, a Notice of said Public Hearing was duly published and posted;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the Town of Lancaster be amended in the form attached hereto and made a part hereof;
2. That said amendment be added in the minutes of the meeting the Town Board of the Town of Lancaster held on February 1, 2010;
3. That a Certified Copy thereof be published in the Lancaster Bee on February 4 2010,
4. That a Certified copy of the amendment be posted on the Town Bulletin Board;
5. That Affidavits of Publication and Posting be filed with the Town Clerk;
6. That the Highway Superintendent take whatever action is necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 1, 2010

**LEGAL NOTICE  
NOTICE OF ADOPTION  
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE  
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

**NOTICE IS HEREBY GIVEN** that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

**CHAPTER 46**

**ARTICLE IX - Speed Regulations**

**§46-9. Maximum speed limits.**

- C. A speed limit of 45 miles per hour shall be posted on the following designated highways:

.....

- (11) Erie Street, for eastbound and westbound traffic between Pavement Road and its terminus at Townline Road..

February 1, 2010

**STATE OF NEW YORK :  
COUNTY OF ERIE :  
TOWN OF LANCASTER :**

**THIS IS TO CERTIFY** that **I, JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 1st day of February, 2010, and that the same is a true and correct copy of said original, and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Seal of said Town, this 1<sup>st</sup> day of February, 2010.

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Johanna M. Coleman, Town Clerk  
February 1, 2010



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER ABRAHAM, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid  
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the  
Director of Administration and Finance, to wit:

Claim No. 12128 to Claim No. 12319 Inclusive

Total amount hereby authorized to be paid: \$421,569.59

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 1, 2010

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

- (SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.  
(CSW) = Conditional sidewalk waiver  
(V/L) = Village of Lancaster

**PREVIOUSLY TABLED PERMITS:**

16415	Grau Builders	11 Logan Ln	Er. Dwlg.-Sin.
16993	Grau Builders	24 Logan Ln	Er. Dwlg.-Sin.

**NEW PERMITS:**

17645	Forestream Dental	4711 Transit Rd	Er. Sign-Temp	
17646	Zamkro Development	2 Parliament Ln	Er. Dwlg.-Sin.	
17647	Ulrich Sign Co	2733 Wehrle Dr	Er. Sign	
17648	Natale Building Corp	46 Nicholas Ln	Er. Dwlg.-Sin.	
17649	Blaszak, Waldemar	643 Pleasant View Dr	Er. Dwlg.-Sin.	
17650	Watson Chocolates	4733 Transit Rd	Er. Sign-Temp	
17651	Southpaw Construction	162 S Irwinwood Rd	Re-Roof	(V/L)
17652	Southpaw Construction	167 S Irwinwood Rd	Re-Roof	(V/L)
17653	Urso Construction	1347 Ransom Rd	Er. Dwlg.-Sin.	(CW)
17654	Marrano/Marc Equity	16 Carlisle St	Er. Dwlg.-Sin.	
17655	Marrano/Marc Equity	2 Sterling Pl	Er. Dwlg.-Sin.	

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

**SUSPENDED RESOLUTION:**

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolution:

UPON A MOTION DULY MADE BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, a suspension was granted.

**SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER AQUINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, grant monies are available from the American Recovery and Reinvestment Act (ARRA) through the New York State Energy Research and Development Authority (NYSERDA) for the implementation of energy conservation measures by small municipalities, and

**WHEREAS**, the Town of Lancaster is retaining C.J. Brown Energy, P.C. to conduct an Energy Audit of the Office of Emergency Management and Highway Garage, and

**WHEREAS**, the Town anticipates the energy audits will reveal the need for installation of heating/ventilation/and cooling (HVAC) systems that will operate at improved efficiency levels, and

**WHEREAS**, the Town of Lancaster seeks grant funding to replace the HVAC systems at the Office of Emergency Management and the Highway Garage with more energy efficient models thereby reducing energy consumption;

**NOW THEREFORE, BE IT  
RESOLVED**,  
that the Town of Lancaster hereby allocates matching funds in the amount not to exceed \$54,000 toward this project as a demonstration of the Town's commitment to implement the project, and

**BE IT FURTHER  
RESOLVED**, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to NYSERDA for the purpose of securing this grant, and

**BE IT FURTHER  
RESOLVED**, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 1, 2010

**SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, Chief Gary F. Stoldt of the Town of Lancaster Police Department, by letter dated February 1, 2010, has requested authorization to send two (2) Police Officers to attend the Traffic Crash Reconstruction Course hosted by the Amherst Police Department to be held at the Police Academy, ECC North Campus from February 1, 2010 through February 12, 2010, and

**WHEREAS**, tuition for the course is normally \$825.00 per student, but Erie County STOP DWI will pay for one of the officer’s tuition if the Town of Lancaster Police Department sends two (2) officers.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Police Officer Rick Albert and Police Officer Shaun Dimino are authorized to attend the Traffic Crash Reconstruction Course hosted by the Amherst Police Department to be held at the Police Academy, ECC North Campus from February 1, 2010 through February 12, 2010.

**BE IT FURTHER,**

**RESOLVED**, that the cost for the attendance at the above-mentioned course is hereby authorized in an amount not to exceed \$825.00. Actual and necessary expenses with this school will be reimbursed upon submission of proper documentation of expenses, including receipts, to the Accounting Department of the Town of Lancaster. Erie County STOP DWI will cover the cost of the tuition for one of the Police Officers.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 1, 2010

## COMMUNICATIONS & REPORTS

45. J. Michael Kelleher, Attorney to Town Clerk -  
Notice of liquor license renewal application for Buffalo Tournament Club, Golf Shop.  
DISPOSITION = Town Clerk
46. J. Michael Kelleher, Attorney to Town Clerk -  
Notice of liquor license renewal application for Buffalo Tournament Club, Patio Bar.  
DISPOSITION = Town Clerk
47. J. Michael Kelleher, Attorney to Town Clerk -  
Notice of liquor license renewal application for Buffalo Tournament Club, Snack Bar.  
DISPOSITION = Town Clerk
48. Ferdinand J. Ciccarelli, Attorney to Town Clerk -  
Notice of liquor license renewal application for Lancaster Country Club, Halfway House.  
DISPOSITION = Town Clerk
49. Ferdinand J. Ciccarelli, Attorney to Town Clerk -  
Notice of liquor license renewal application for Lancaster Country Club, Swimming Pool.  
DISPOSITION = Town Clerk
50. NYS DEC, Bureau of Water Resource Management to Town Board -  
Letter regarding reporting of 2009 water usage to the DEC. DISPOSITION = Received  
& Filed
51. Erie County Sewerage Management to Supervisor -  
Notice of reappointment to the Erie County Sewer District No. 4 Board of Managers.  
DISPOSITION = Received & Filed
52. Village of Lancaster to Town Board -  
Minutes of meeting held January 11, 2010. DISPOSITION = Received & Filed
53. United States Department of Energy to Town Board -  
Transmittal of F.E.I.S. for the decommissioning of the West Valley Demonstration Project.  
DISPOSITION = Received & Filed
54. Town Clerk to Town Board -  
Clerk's Annual Report for 2009. DISPOSITION = Received & Filed
55. Chief of Police to Town Board -  
Request appointment of Police Officer Grant Gunsher to position of detective effective  
February 15, 2010. DISPOSITION = Resolution 2/1/10
56. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Town  
Attorney, Highway Superintendent, Building Inspector -  
Draft copy of minutes of meeting held January 20, 2010. DISPOSITION = Received &  
Filed
57. Planning Board to Town Board -  
Notice of tabling regarding preliminary plat plan review for Deer Run Estates Subdivision;  
conditions noted. DISPOSITION = Received & Filed
58. President, Buffalo-Lancaster Airport to Town Board -  
Request resolution supporting expansion of the Buffalo-Lancaster Regional Airport.  
DISPOSITION = Town Board
59. Addison Law to Town Clerk -  
Notice of liquor license renewal application for Fox Valley Country Club.  
DISPOSITION = Town Clerk

**ADJOURNMENT:**

ON MOTION OF COUNCIL MEMBER RUFFINO AND SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the meeting was adjourned at 9:01 P.M. in memory of Agnes Warrington.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk

February 1, 2010